

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

THE UNITED STATES DEPARTMENT OF  
TRANSPORTATION, ex rel. AUGUST W. ARNOLD,  
an individual,

Plaintiff,

v.

CMC ENGINEERING, ERDMAN ANTHONY  
ASSOCIATES, INC., L. ROBERT KIMBALL &  
ASSOCIATES, M.A. BEECH, MACKIN  
ENGINEERING, MCTISH, KUNKEL &  
ASSOCIATES, MICHAEL BAKER, JR., INC., SAI  
CONSULTING ENGINEERS, INC., and VE  
ENGINEERING, INC.,

Defendants.

No. 03-1580


The Honorable Gary L. Lancaster

**DEFENDANT MICHAEL BAKER JR., INC.'S MOTION FOR RECONSIDERATION  
OF THIS COURT'S SEPTEMBER 28, 2010 MEMORANDUM DECISION AND ORDER  
DENYING BAKER'S MOTION TO DISMISS**

Defendant Michael Baker, Jr., Inc. ("Baker"), by and through its undersigned counsel, hereby moves this Court to reconsider its September 28, 2010 Memorandum Decision and Order (Doc. 299) denying Baker's motion to dismiss Relator August W. Arnold's Third Amended Complaint (Doc. 210) under Fed. R. Civ. P. 9(b) and 12(b)(6). (Doc. 245). The grounds for this Motion are set forth in the accompanying Memorandum of Law, which Baker incorporates herein by reference as if set forth in full.

A proposed Order for consideration by this Court is submitted with this Motion.

AND NOW, THIS 29<sup>th</sup> DAY OF  
Oct, 2010, IT IS HEREBY  
ORDERED THAT THE WITHIN  
MOTION IS DENIED..

  
GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE